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Attorneys for Defendant
 INFINEON TECHNOLOGIES NORTH
 AMERICA CORP.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

GREGORY BENDER,

Plaintiff,

vs.

INFINEON TECHNOLOGIES NORTH
 AMERICA CORP., a Delaware corporation, et
 al.,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 3:09-cv-2112 RS

**JOINT STIPULATION AND ~~[PROPOSED]~~
 ORDER EXCUSING DEFENDANT
 INFINEON TECHNOLOGIES NORTH
 AMERICA CORP. FROM ATTENDING
 THE CASE MANAGEMENT
 CONFERENCE ON OCTOBER 28, 2010**

Plaintiff Gregory Bender ("Bender") and defendant Infineon Technologies North America Corp. ("Infineon") have reached an agreement in full settlement of their claims and counter-claims against each other in this case and are in the process of finalizing that agreement and dismissal of Infineon from this case. Infineon and Bender do not believe there is any need for Infineon to attend a Case Management Conference and request that the Court excuse Infineon from attending the Case Management Conference currently set for October 28, 2010 in this action. (*See* Dkt. No. 73.)

Therefore, pursuant to Civil L.R. 6-2 and 7-12, Bender and Infineon, through counsel, hereby

1 stipulate and agree, and request an Order, to excuse Infineon from attending the Case Management
2 Conference in this action, which is currently set for October 28, 2010.

3 IT IS SO AGREED.

4 Dated: October 22, 2010

LAW OFFICES OF DAVID N. KUHN

7 By: /s/ David N. Kuhn

8 David N. Kuhn
9 Attorneys for Plaintiff
GREGORY BENDER

10 Dated: October 22, 2010


McDERMOTT WILL & EMERY

12 By: /s/ Daniel R. Foster

13 Daniel R. Foster
14 Attorneys for Defendant
INFINEON TECHNOLOGIES NORTH
15 AMERICA CORP.

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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20 Dated: 10/22/10

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22 HON. RICHARD SEEBOR
23 UNITED STATES DISTRICT JUDGE
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